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**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: 30-4932-010-0010

Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Five Star Jewelers, Inc.

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 16271 North Kendall Drive

City: Miami State: Florida Zip: 33196 Phone#: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Mailing Address: Kendall Park Plaza, Ltd.

City: 8500 SW 8th Street State: Florida Zip: 33144 Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Juan J. Mayol, Jr. Company: Holland & Knight LLP

Mailing Address: 701 Brickell Avenue, Suite 3000

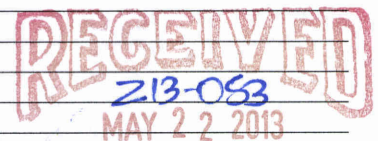
City: Miami State: Florida Zip: 33131

Phone#: 305-789-7787 Fax#: 305-679-6302 E-mail: juan.mayol@hkllaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

See Attached Exhibit "A"



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MIAMI-DADE PLANNING AND ZONING DEPT.
BY XH

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

16271 North Kendall Drive 16205 SW 88 street.

7. SIZE OF PROPERTY _____' x _____' (in acres): 7.53
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☒ leased: 4/2000 9. Lease term: 16 years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (See notes related to item 5.)

No

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: BU-1A

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☐ District Boundary Changes (DBC) [Zone class requested]: _____
☐ Unusual Use: _____
☒ Use Variance: Pawnbroker
☐ Non-use Variance: _____
☐ Alternative Site Development: _____
☐ Special Exception: _____
☐ Modification of previous resolution/plan: _____
☐ Modification of Declaration or Covenant: _____
☐ _____

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BY slb

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation: _____

16. Describe structures on the property: Shopping Center

17. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: Shopping Center Year: 1999

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

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BY AB

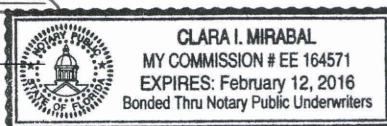
Jorge Carvajal
(Applicant's Signature)

Jorge Carvajal
(Print Name)

Sworn to and subscribed before me this 7th day of April, 2013. Affiant is personally known to me or has produced _____ as identification.

Clara I. Mirabal
(Notary Public)

My commission expires _____



APPLICANT'S AFFIDAVIT
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

(see notary below) _____

CORPORATION AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

President/Director

(Corp. Seal)

Office Held

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

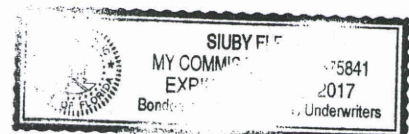
ATTORNEY AFFIDAVIT

I, Tracy R. Slavens, Esq., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Tracy R. Slavens, Esq.

Sworn to and subscribed to be me
this 22nd day of May 2013.

Notary Public: Suey Fleites
Commission expires: _____



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OWNERSHIP AFFIDAVIT
FOR
CORPORATION

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Agustin Herran, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the PRESIDENT OF THE GEN. PARTNER of KENDALL PARK PLAZA, LTD. with the following address: 8500 SW 8th Street, Suite 228, Miami, Florida 33144

2. The Corporation owns the property, which is the subject of the proposed hearing.

3. The subject property is legally described as:

Tract A, less the East 245.00 feet of the South 205.00 feet of West Kendall best, according the Plat thereof as recorded in Plat Book 143 at Page 35 of the Public Records of Miami-Dade County, Florida.

4. Affiant is legally authorized to file this application for public hearing.

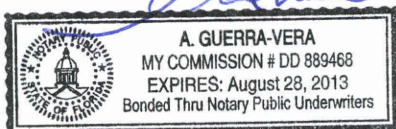
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:		
Signature <u>[Signature]</u>		Affiant's signature <u>[Signature]</u>
Print Name <u>ANAMARIA GUERRAVERA</u>		Print Name <u>Agustin Herran President</u>
Signature <u>[Signature]</u>		Print Name <u>OF GEN. PARTNER</u>
Print Name <u>CECILE RAMIREZ</u>		<u>KENDALL PARK PLAZA, LTD.</u>
Signature <u>[Signature]</u>		
Print Name <u>ILIANA RAMIREZ</u>		

Sworn to and subscribed before me on the 19 day of April, 2013 Affiant is personally known to me or has produced _____ as identification.

Notary Public - State of FL

My Commission Expires: [Signature]



DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Five Star Jewelers, Inc.

NAME AND ADDRESS	Percentage of Stock
Jorge L. Carvajal	100%
13804 SW 152 Street	
Miami, Florida 33177	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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BY AH

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Kendall Park Plaza, Ltd. *F/R/A Century On Time, LLC*

NAME AND ADDRESS	Percentage of Ownership
<u>On-Time Construction, Corp.</u>	<u>2%</u>
<u>- Agustin Herran 100%</u>	
<u>General RIAI Estate Corporation</u>	<u>49%</u>
<u>- Agustin Herran 100%</u>	
<u>GREC, LLC</u>	<u>49%</u>

- Agustin Herran 90%
- Agustin & Rosiel Herran Children's Irrevocable Trust 03 FBO Victoria Herran 5%
- Victoria Herran 100%
- Agustin & Rosiel Herran Children's Irrevocable Trust 03 FBO ISABELLA Herran 5%
- ISABELLA Herran 100%

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 21st day of April, 2013 Affiant is personally known to me or
has produced _____ as identification.

(Notary Public)

My commission expires _____



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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BY AT

P.H. # _____

**Owner's Sworn-to-Consent
Permitting Tenant to File for a Hearing
(Limited Partnership with Corporate General Partner)**

I, Agustin Herran, being first duly sworn, do say that I am the President of the Corporate General Partner of the Limited Partnership which is the owner of the property legally described below and which is the subject of the proposed hearing do here by grant consent to Five Star Jewelers, Inc., as Tenant, to file this application for a public hearing.

Legal Description:

Tract A, less the East 245.00 feet of the South 205.00 feet of West Kendall best, according the
Plat thereof as recorded in Plat Book 143 at Page 35 of the Public Records of Miami-Dade
County, Florida.

WITNESSES:

2
Signature

Venise Fernandez
Print Name

[Signature]
Signature

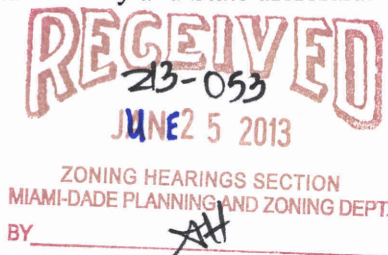
Ana Maria Guerra-Vera
Print Name

STATE OF FL

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Agustin Herran, the President of the Corporate General of Randall Park Plaza, a limited partnership on behalf of the partnership. He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 19 day of April, 2003,
in the County and State aforesaid.



KINDALL PARK PLAZA LTD. Century On-Time
Name of Limited Partnership

By: On-Time Construction Corp.

Name of Corporate General Partner

Agustin Herran, President.

By: Its President, Vice President or CEO

[Signature]
Signature

Address

8500 SW 8 ST #228
MIAMI, FL 33144

[Signature]
Notary Public-State of _____

Commission Number: _____

